

HOUSE BILL 1199

By Ragan

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 5, relative to actions taken on rules
pursuant to the Uniform Administrative Procedures
Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-5-215, is amended by deleting subsection (b) and substituting the following:

(b)

(1) Prior to the effective date of a rule, the running of the ninety-day period required by § 4-5-207 may be stayed for up to sixty (60) days by:

(A) The house of representatives government operations committee;

(B) The senate government operations committee; or

(C) A subcommittee of either the house of representatives government operations committee or senate government operations committee that is reviewing rules pursuant to § 4-5-226(c).

(2) A stay that is issued pursuant to subdivision (b)(1) shall:

(A) Take effect when the committee or subcommittee that issued the stay files written notice with the secretary of state; and

(B) Specify the length that the stay will be in effect.

(3) Prior to the expiration date of a stay that is issued pursuant to subdivision (b)(1), the committee or subcommittee that issued the stay may withdraw the stay.

(4) Withdrawal or expiration of a stay that is issued pursuant to subdivision (b)(1) reactivates the running of the balance of the ninety-day period that remained upon the date that the stay was filed.

SECTION 2. Tennessee Code Annotated, Section 4-5-226, is amended by deleting subsection (j) and substituting the following:

(j)

(1) The house of representatives government operations committee or senate government operations committee, or a subcommittee that is reviewing rules pursuant to subsection (c), may express its disapproval of a rule that fails to satisfy any or all of the factors enumerated in subsection (e), by voting to allow the rule to expire upon its established expiration date or by voting to request the agency to repeal, amend, or withdraw the rule before the established expiration date. Notice of the committee's or subcommittee's disapproval of a rule, whether by vote to allow the rule to expire or by vote to request the agency to repeal, amend, or withdraw a rule, shall be posted on the administrative register on the secretary of state's web site as soon as possible after the committee or subcommittee meeting in which the action expressing disapproval was taken.

(2) In the event an agency fails to comply with the committee's or subcommittee's request to repeal, amend, or withdraw a rule within a reasonable time and before the established expiration date, the committee or subcommittee may vote to request the general assembly to suspend any or all of the agency's rulemaking authority for any reasonable period of time or with respect to any particular subject matter, by legislative enactment.

SECTION 3. Tennessee Code Annotated, Section 4-5-226(k), is amended by deleting the language "government operations committee" and substituting the language "house of representatives government operations committee or senate government operations committee, or a subcommittee that is reviewing rules pursuant to subsection (c),".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.